

CERTIFICATE OF ELECTRONIC TRANSMISSION

I hereby certify that this correspondence is being filed electronically with the U.S. Patent and Trademark Office on the below date:

Date: January 22, 2009

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Signature: Heidi A. Dare

Attorney Docket 8465-40  
Client Ref. No. P200101243 US2

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant:	Lasse W. Mogensen, et al.	:
		:
Serial No.:	10/687,568	: Confirmation No.: 7139
		:
Filed:	October 15, 2003	: Group Art Unit: 3767
		:
For:	INJECTOR DEVICE FOR PLACING A	: Examiner: Elizabeth MacNeill
	SUBCUTANEOUS INFUSION SET	:

**RESPONSE TO NOTIFICATION OF NON-COMPLIANT APPEAL BRIEF**

**Mail Stop Appeal Brief-Patents**  
COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In Response to the Notification of Non-Compliant Appeal Brief dated December 30, 2008, Applicants hereby submit the sections required pursuant to 37 CFR 41.37(c)(1)(iii) and 37 CFR 41.37(c)(1)(ix). Each section of this Response is submitted below on separate sheets, and each section heading is numbered to correspond to the numbering of the Notification.

## **2. STATUS OF CLAIMS**

Claims 1–39 and 44–49 have been cancelled.

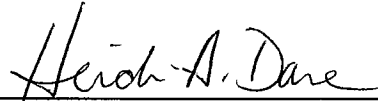
The claims presented are Claims 40–43 and 50–73. The following claims have been allowed: 40–43, 50–54, 67 and 68. The Examiner did not address (by way of rejection, objection, or allowance) Dependent Claim 65, which depends from an allowed base claim 42. The Examiner rejected Dependent Claim 73, but without reading it on any reference or even citing a reference in reaching the rejection. The Examiner rejected claims 55, 57, 60, 66, 70–72 under 35 U.S.C. § 102(b). The Examiner rejected claims 55–57, 60–64, 66, and 69–72 under 35 U.S.C. § 102(e). Claims 58 and 59 were rejected under 35 U.S.C. § 103(a). All rejected claims are appealed.

**8. EVIDENCE APPENDIX**

None.

While Applicants believe that no additional fees are due in connection with this filing, Applicants direct the Office to charge **Deposit Account No. 23-1925** for any fees deemed owed during the pendency of this application, excluding the issue fee.

Respectfully submitted,

A handwritten signature in cursive script, reading "Heidi A. Dare", is written over a horizontal line.

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